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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,449	11/01/1999	ANTHONY P. GALLUSCIO	6572-14	8736
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SACCO & ASSOCIATES, PA P.O. BOX 30999 PALM BEACH GARDENS, FL 33420-0999			EXAMINER HOANG, PHUONG N	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/431,449	Applicant(s) GALLUSCIO ET AL.	
	Examiner Phuong Hoang	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 -20 are pending. This action is in response to the appeal brief filed 5/2/2005.
2. The finality of the rejection of the last Office action is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 6, 12, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 12, 18 recite "the processing step"/"the processing means". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. **Claims 7, and 9 -12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, US patent n. 6,181,707 in view of Brookler et al, US patent no. 6,754,666.**

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As to claim 7, Erickson teaches a method for configuring high speed interprocess communications between first and second presses [embedded control applications running on the processors/cards] comprising the steps of:

disposing a message buffer in a shared region of random access memory (RAM) shared between the first and second processes (col. 7 lines 4 - 55);

accumulating message data from the first process in a location in the message buffer (col. 7 lines 15 - 20);

adding to the message list of the second process a memory offset corresponding to the location in the message buffer (col. 7 lines 52 - 57);

whereby the accumulated message data is transferred from the first process to the second process with minimal data transfer overhead (col. 7 lines 4 - 55).

Erickson does not teach the step of manipulating in the second process the accumulated data at the location corresponding to the offset, the manipulation modifying the accumulated data in place at the location.

Brookler teaches data manipulation, including manipulating in a process accumulated data (imported data) at the location corresponding to the offset, the manipulation modifying the accumulated data in place at the location (in place schema and data manipulation operations, col. 15 line 24 - col. 16 line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Erickson and Brookler because the accumulated data / imported data can be normalized and cleansed (col. 15, lines 28-32).

As to claim 9, Erickson teaches the step of wherein the message list is a message queue (col. 7 lines 12 - 55).

As to claim 10, Erickson teaches the steps of wherein the adding means comprises:

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means for retrieving a memory offset in the message buffer corresponding to the location of data accumulated by the first process; and, means for inserting the memory offset in the message queue corresponding to the second process (col. 7 lines 12 - 55).

As to claim 11, Erickson teaches the steps of atomically assigning the memory offset to an integer location in the message queue corresponding to the second process (col. 7 lines 35 - 55).

As to claim 12, Erickson teaches the steps of means for identifying a memory offset in the message list corresponding to the second process; means for using in the second process message data at a location in the message buffer corresponding to the memory offset; and, means for releasing the message buffer (col.8 lines 1 - 35).

7. Claims 1 - 6, 8, and 13 -18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, US patent no, 6,181,707 in view of Brookler et al, US patent no. 6,754,666, and further in view of Carter, UD patent no. 6,148,377.

As to claim 13, Erickson teaches a method for high speed interprocess communications comprising the steps of:

attaching first and second processes to a message buffer in a shared region of random access memory (RAM), each the process having a message list (col. 7 lines 4 -55);

accumulating message data from the first process in a location in the message buffer (col. 7 lines 15 - 20);

adding to the message list of the second process a memory offset corresponding to the location in the message buffer (col. 7 Nines 52 - 57);

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Erickson does not teach the step of the RAM is exclusive to the operating system, and manipulating in the second process the accumulated data at the location corresponding to the offset, the manipulation modifying the accumulated data in place at the location.

Brookler teaches data manipulation, including manipulating in a process data at the location corresponding to the offset, the manipulation modifying the data in place at the location (in place schema and data manipulation operations, col. 15 line 24 - col. 16 line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Erickson and Brookler because the accumulated data / imported data can be normalized and cleansed (col. 15, lines 28-32).

Erickson and Brookler do not teach the step of RAM is exclusive of the operating system.

Carter teaches the step of RAM is exclusive to the operating system (fig. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Erickson, Brookler and Carter's because Carter's RAM exclusive to the operating system would speed up the transferring and accessing data process when it does not have to access through the operating system.

As to claim 14, Erickson teaches the steps of means for detecting a previously created shared region of RAM; and, means for creating and configuring a shared region in RAM for storing accumulated data if a previously created shared region of RAM is not detected by the detecting means (col. 7 lines 15 - 30).

As to claims 15 -18, see claims 9 - 12 above.

As to claim 1, it is the method claim of claim 13. See the rejection of claim 13 above. Further, Erickson teaches whereby the accumulated message data is transferred from the first process to the second process with minimal data transfer overhead (col. 7 lines 4 - 55).

As to claims 2 - 6, see the rejection of claims 14 - 18 above.

As to claim 8, Erickson teaches the steps of creating a message list in the shared region for each the process, whereby the message list can store memory offsets of message data stored in the message buffer (col. 7 lines 1 - 55). See rejection of claim 13 for RAM exclusive of operating system kernel space.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, US patent no. 6,181,707, in view of Brookler et al, US patent no. 6,754,666, in view of Carter, UD patent no. 6,148,377, and further in view of Bohannon, US patent no. 5,991,845.

As to claims 19 and 20, Erickson, Brookler, and Carter do not teach the step of locking the accumulated data to prevent the first process from accessing the accumulated data while the accumulated data is being manipulated.

Bohannon teaches the step of locking the accumulated data to prevent the first process from accessing the accumulated data while the accumulated data is being manipulated (col. 1 lines 46 - 50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Erickson, Brookler, Carter, and Bohannon's because Bohannon's locking system would control the exclusively access to the resources in a multi-processing system.

Response to Arguments

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9. Applicant's arguments filed on 5/2/2005 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the argued sharing data at a single location (page 6, 1st para.), this is met by Erickson in that the dual port ram 20 (fig. 2) is used to transfer data blocks and control messages from source to receiver.

Regarding the argued offset (page 6, 4th para.), this is met by Erickson in that the offset address is stored by the source, transmitted and loaded by the receiver. col. 7, lines 31-67.

Regarding the argued processor vs processes (page 6, last para.), it is noted the processors/cards are controlled by respective processes/embedded control applications running thereon. Col. 6, lines 1-3.

Regarding the argued manipulating data at the location (page 7), this is now met by Brookler who teaches data manipulation, including manipulating in a process accumulated data (imported data) at the location corresponding to the offset, the manipulation modifying the accumulated data in place at the location (in place schema and data manipulation operations). Col. 15 line 24 - col. 16 line 14.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571) 272 3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272 3756. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PH

August 8, 2005



SUE LAO
PRIMARY EXAMINER